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U.S. DISTRICT COURT
2007 AUG 27 PM 4:12
S.D. OF N.Y.

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4. Defendant resides at 2 Sunset Avenue, Montrose, New York 10548.

STATEMENT OF FACTS AND CLAIM FOR RELIEF

5. On or about February 27, 1997, defendant applied for disability benefits from the Veterans Administration (the "VA"). The VA awarded defendant benefits based on his inability to work, at the starting rate of \$707 per month.

6. On or about April 5, 1997, while awaiting benefits based on his total disability, defendant applied for a job with the United States.

7. In or about Fall 1997, defendant began receiving monthly benefits.

8. On or about January 26, 1998, defendant completed a "Declaration of Federal Employee," to initiate his federal employment at the VA Medical Center. On that form, defendant checked "no" to the following question:

SINCE THE DATE YOU SIGNED YOUR APPLICATION FOR THIS POSITION, HAVE YOU:

Applied for or begun to receive retirement pay, pension, or other pay based on military, Federal civilian, or District of Columbia Government service?

9. On or about January 26, 1998, defendant began full-time employment at the VA Medical Center in Montrose, New York.

10. From in or about February 1998, to on or about August 1, 2002, defendant received \$39,852.00 in disability benefits from the VA.

11. Defendant received disability benefits throughout his employment at the VA. This resulted in an overpayment of benefits in the amount of \$39,852.00.

WHEREFORE, the plaintiff United States of America, prays for a judgment against defendant in the amount of \$39,852.00, plus costs, fees, and disbursements, and such

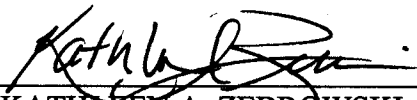
other relief as may be just.

Dated: New York, New York

August 27, 2007

MICHAEL J. GARCIA
United States Attorney for the
Southern District of New York
Attorney for the United States
of America

By:


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